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COMMITTEE AGAINST TORTURE

Tenth session

SUMMARY RECORD OF THE FIFTH PART (PUBLIC)* OF THE 146th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 23 April 1993, at 6.15 p.m.

Chairman: Mr. VOYAME

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* The summary records of the first part (public), second part (closed), third part (public) and fourth part (closed) of the meeting appear as documents CAT/C/SR.146 and Add.1-3 respectively.

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The resumed public meeting was called to order at 6.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Supplementary report of China (continued) (CAT/C/7/Add.14)

1. At the invitation of the Chairman, Mr. Jin Yongjian, Mr. Liao Jincheng, Mr. Zhang Yishan, Mr. Chen Weidian, Mr. Zhang Jun, Mr. Hao Chiyong, Mr. Li Yuqian, Mr. Shen Yongxiang, Mr. Liu Zhenmin and Ms. Li Linmei (China) took seats at the Committee table.

2. Mr. DIPANDA MOUELLE (Country Rapporteur) read out the Committee's conclusions and recommendations on the supplementary report of China:

"On 22 and 23 April 1993, the Committee against Torture considered the supplementary report of the People's Republic of China and listened with interest to the replies given to the oral questions put to its delegation.

"The Committee expresses its acknowledgement of, and gratitude for, the detailed report submitted by the Government of China and the explanations provided. In general, the report satisfies the concerns of the Committee with regard to compliance with the guidelines prescribed for this purpose.

"It takes note with satisfaction of the many legislative, judicial and administrative measures adopted by the Government of China in order to comply with the various provisions of the Convention.

"It welcomes, in particular, the reforms relating to the Penal Code and the efforts made to raise public awareness through the printing of textbooks for use in information, education, training, promotion and protection programmes in the area of human rights.

"The Committee, however, expresses its concern at the use of administrative detention and the cases of torture alleged and deplored by various non-governmental organizations, particularly in Tibet.

"To this end, it would welcome any energetic measures taken by the Government of China to prevent cases of torture and to punish those responsible.

"Similarly, it calls upon the Government to consider making declarations with regard to articles 21 and 22 of the Convention and withdrawing the reservations entered in respect of article 20.

"The Committee is nevertheless aware of the obvious difficulties facing the Republic of China. However, the Committee would welcome precise

statistical data concerning the number of persons in administrative detention, sentenced to capital punishment and executed.

"The Committee therefore makes the following recommendations:

"1. Persons arrested or detained should have many more guarantees immediately following their arrest, and their family, lawyer or doctor should have prompt and regular access to them.

"2. The separation between the authorities responsible for detention, on the one hand, and investigation, on the other, should be provided for, the separation of powers between the police and the judiciary over detention and investigations guaranteeing the protection of detainees during interrogation.

"3. The conduct of interrogations should be monitored in the framework of administrative and other forms of detention. Legislation could perhaps be considered in order to enable detainees to lodge complaints and plaintiffs and witnesses to be protected against any ensuing ill-treatment or intimidation.

"4. Criminal proceedings could be systematically initiated against persons accused of acts of torture. Those procedures should be conducted independently of any disciplinary measures taken by the security forces.

"5. Training for law-enforcement personnel, members of the armed forces and doctors should be accentuated and extended. In particular, information should be given concerning limitations on the use of instruments, equipment and weapons of the security forces.

"6. Procedures should be introduced to guarantee the medical examination of persons detained or arrested, to be carried out by qualified and independent doctors, immediately following arrest and at regular intervals thereafter, and in particular before release.

"Lastly, the Committee expresses the hope that, despite the difficulties and obstacles which might be encountered by the Government of China, the political will and the various legislative measures taken or envisaged will lead to significant progress in promoting in-depth research into the circumstances in which torture is practised and, above all, into the necessary ways and means of ending or at least reducing the incidence of torture."

3. The CHAIRMAN again thanked the representatives of the People's Republic of China for the report and the detailed replies given to the oral questions. The Committee would look forward to China's subsequent report due in November 1993 when, it was to be hoped, further progress in eradicating cases of torture would be reported.

4. Mr. JIN Yongjian (China) thanked the Committee for its patience. The views of the Committee would be transmitted to the relevant authorities and the Government, and every effort would be made fully to incorporate the suggestions into legislative, judicial and administrative practice.

5. Mr. Jin Yongjian, Mr. Liao Jincheng, Mr. Zhang Yishan, Mr. Chen Weidian, Mr. Zhang Jun, Mr. Hao Chiyong, Mr. Li Yuqian, Mr. Shen Yongxiang, Mr. Liu Zhenmin and Ms. Li Linmei (China) withdrew.

The meeting rose at 6.25 p.m.